
HOUSE BILL No. 1577

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-3-1; IC 5-22; IC 5-23-5-9; IC 6-1.1; IC 8-1.5; IC 8-6-2.1; IC 8-15.5-4-9; IC 8-15.7-4; IC 8-16-3.5-5.5; IC 8-22-2-13; IC 9-22-1; IC 13-21-7-3; IC 14-26-2-10; IC 14-33-9-4; IC 16-22; IC 16-31-2-11; IC 20-23-7-2; IC 20-48-4-2; IC 23-14-65-13; IC 36-1; IC 36-1.5-4; IC 36-2; IC 36-6-4-13; IC 36-7-15.5; IC 36-9; IC 36-10-4-30; IC 36-12-5.

Synopsis: Publication of notices. Provides that the name of an emergency patient contained in a pre-hospital ambulance rescue or report record is public information and must be made available for inspection and copying. After June 30, 2007, provides that a notice published in a newspaper must also be posted on the newspaper's Internet web site if the newspaper maintains a web site that the general public may access without entering a password or paying a fee. Provides that notice of an event that must be provided before the event must be published once at least ten days before the event. Requires notice of an event that must be provided after the event must be published once within 30 days after the event. Requires the annual report of a city or town and the annual abstract of receipts and expenditures of a county to include the total payment made to each vendor in excess of \$2,500, not to exceed 200 vendors. Requires cities, towns, and counties to publish salaries of officers, deputies, and employees only if the salary exceeds a certain amount. Requires a school corporation to publish the regular salaries and extracurricular salaries or stipends for school activities of individual teachers. Makes conforming amendments.

Effective: July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1577

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-3-1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 1.5. (a) This section applies after June 30, 2007, to a**
4 **notice that must be published in accordance with this chapter.**

5 **(b) If a newspaper has a web site that meets the requirements of**
6 **subsection (c), a notice that is published in the newspaper must also**
7 **be posted on the newspaper's web site. The notice must appear on**
8 **the web site on the same day the notice appears in the newspaper.**

9 **(c) A newspaper's web site is only eligible to post notices in**
10 **accordance with this chapter if the general public may access**
11 **notices on the web site without entering a password or paying a fee.**

12 **(d) The state board of accounts shall develop a standard form**
13 **for notices posted on a newspaper's web site.**

14 **(e) A governmental agency that posts a notice on a web site is**
15 **subject to the same requirements required by law for publication**
16 **of the notice in a newspaper, including:**

17 **(1) the time limits within which a notice must be published;**



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1 **(2) how frequently the notice must be published; and**

2 **(3) the required contents of the notice.**

3 SECTION 2. IC 5-3-1-2 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section applies only
5 when notice of an event is required to be given by publication in
6 accordance with IC 5-3-1.

7 (b) If the event is a public hearing or meeting concerning any matter
8 not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h)
9 notice shall be published one (1) time; at least ten (10) days before the
10 date of the hearing or meeting.

11 (c) **(b) If the event is an election, an event about which notice is**
12 **required to be published before the event,** notice shall be published
13 one (1) time, at least ten (10) days before the date of the ~~election~~.
14 **event.**

15 (d) If the event is a sale of bonds, notes, or warrants, notice shall be
16 published two (2) times; at least one (1) week apart; with:

17 (1) the first publication made at least fifteen (15) days before the
18 date of the sale; and

19 (2) the second publication made at least three (3) days before the
20 date of the sale.

21 (e) If the event is the receiving of bids, notice shall be published two
22 (2) times; at least one (1) week apart; with the second publication made
23 at least seven (7) days before the date the bids will be received.

24 (f) If the event is the establishment of a cumulative or sinking fund;
25 notice of the proposal and of the public hearing that is required to be
26 held by the political subdivision shall be published two (2) times; at
27 least one (1) week apart; with the second publication made at least
28 three (3) days before the date of the hearing.

29 (g) If the event is the submission of a proposal adopted by a political
30 subdivision for a cumulative or sinking fund for the approval of the
31 department of local government finance; the notice of the submission
32 shall be published one (1) time. The political subdivision shall publish
33 the notice when directed to do so by the department of local
34 government finance.

35 (h) If the event is the required publication of an ordinance, notice of
36 the passage of the ordinance shall be published one (1) time within
37 thirty (30) days after the passage of the ordinance.

38 (i) **(c) If the event is one about which notice is required to be**
39 **published after the event,** notice shall be published one (1) time within
40 thirty (30) days after the date of the event.

41 (j) If the event is anything else, notice shall be published two (2)
42 times; at least one (1) week apart; with the second publication made at

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1 least three (3) days before the event.

2 ~~(k)~~ **(d) Increase** If any officer charged with the duty of publishing any
3 notice required by law is unable to procure advertisement:

4 **(1) at the price fixed by law; or**

5 **(2) because the newspaper refuses to publish the advertisement;**
6 **or**

7 **(3) because the newspaper refuses to post the advertisement**
8 **on the newspaper's web site (if required under section 1.5 of**
9 **this chapter);**

10 it is sufficient for the officer to post printed notices in three (3)
11 prominent places in the political subdivision, instead of ~~advertisement~~
12 **publication of the notice** in newspapers **and on a web site (if**
13 **required under section 1.5 of this chapter).**

14 ~~(j)~~ **(e)** If a notice of budget estimates for a political subdivision is
15 published as required in IC 6-1.1-17-3, and the published notice
16 contains an error due to the fault of a newspaper, the notice as
17 presented for publication is a valid notice under this chapter.

18 ~~(m)~~ **(f)** Notwithstanding subsection ~~(j)~~, **(b)**, if a notice of budget
19 estimates for a political subdivision is published as required in
20 IC 6-1.1-17-3, and if the notice is not published at least ten (10) days
21 before the date fixed for the public hearing on the budget estimate due
22 to the fault of a newspaper, the notice is a valid notice under this
23 chapter if it is published one (1) time at least three (3) days before the
24 hearing.

25 SECTION 3. IC 5-3-1-3, AS AMENDED BY P.L.1-2005,
26 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2007]: Sec. 3. (a) Within sixty (60) days after the expiration
28 of each calendar year, the fiscal officer of each civil city and town in
29 Indiana shall publish an annual report of the receipts and expenditures
30 of the city or town during the preceding calendar year. **In the annual**
31 **financial report the fiscal officer shall include the following:**

32 **(1) A report of the salaries of city and town officers, deputies,**
33 **and other employees as follows:**

34 **(A) The fiscal officer of a consolidated city shall publish the**
35 **salaries of only those officers, deputies, and employees**
36 **receiving an annual salary of at least sixty thousand dollars**
37 **(\$60,000).**

38 **(B) The fiscal officer of a second class city shall publish the**
39 **salaries of only those officers, deputies, and employees**
40 **receiving an annual salary of at least sixty thousand dollars**
41 **(\$60,000).**

42 **(C) The fiscal officer of a third class city or town shall**

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publish the salaries of only those officers, deputies, and employees receiving an annual salary of at least forty-five thousand dollars (\$45,000).

(2) A report of the total payment made to each vendor in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year for each fund. However, the fiscal officer is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A fiscal officer shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment exceeding two thousand five hundred dollars (\$2,500).

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

(1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.

(2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. **However, Except as provided in subdivision (4),** the listing of salaries of individual teachers is not required.

(3) The extracurricular salary schedule as of June 30.

(4) A listing of individual certificated employees who receive an extracurricular salary or stipend for school activities in addition to a regular salary. The listing must include the following information:

(A) The employee's name.

(B) The amount of the employee's regular salary.

(C) The amount of any extracurricular salary or stipend for school activities received by the employee.

~~(4)~~ (5) The range of rates of pay for all noncertificated employees by specific classification.

~~(5)~~ (6) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.

~~(6)~~ (7) The lowest, highest, and average salary for the administrative staff and the number of administrators without a

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listing of the names of particular administrators.

~~(7)~~ (8) The number of students enrolled at each grade level and the total enrollment.

~~(8)~~ (9) The assessed valuation of the school corporation for the prior and current calendar year.

~~(9)~~ (10) The tax rate for each fund for the prior and current calendar year.

~~(10)~~ (11) In the general fund, capital projects fund, and transportation fund, a report of the total payment made to each vendor for the specific fund in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

~~(11)~~ (12) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

~~(12)~~ (13) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

SECTION 4. IC 5-22-18-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever public
2 notice is required by this article, notice shall be given by publication in
3 the manner prescribed by IC 5-3-1.

4 (b) The purchasing agent may give notice other than as required in
5 IC 5-3-1 that the purchasing agent considers will increase competition.

6 (c) The purchasing agent shall schedule all notices given under this
7 section to provide a reasonable amount of time for preparation and
8 submission of responses after notification. The period between:

9 (1) the last publication, mailing, or posting of notices required by
10 this section; and

11 (2) the final date set for submitting offers;

12 must be at least ~~seven (7)~~ **ten (10)** calendar days.

13 SECTION 5. IC 5-22-22-11 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Notice of a sale
15 under this chapter must be given by publication of the time, place, and
16 terms of the sale, as provided in IC 5-3-1 in the county where the
17 property is located. The publication shall be made at least ~~fifteen (15)~~
18 **ten (10)** days before the date of the sale.

19 (b) Notice under this section is required in addition to notice:

20 (1) given by an auctioneer under section 4 of this chapter; or

21 (2) provided by an Internet auction site under section 4.5 of this
22 chapter.

23 SECTION 6. IC 5-23-5-9 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2007]: Sec. 9. If a recommendation to award the
25 public-private agreement is made to the board, the board shall schedule
26 a public hearing on the recommendation and publish notice of the
27 hearing one (1) time in accordance with IC 5-3-1 at least ~~seven (7)~~ **ten**
28 **(10)** days before the hearing. The notice shall include the following:

29 (1) The date, time, and place of the hearing.

30 (2) The subject matter of the hearing.

31 (3) A description of the public-private agreement to be awarded.

32 (4) The recommendation that has been made to award the
33 public-private agreement to an identified offeror or offerors.

34 (5) The address and telephone number of the board.

35 (6) A statement indicating that the proposals and an explanation
36 of the basis upon which the recommendation is being made are
37 available for public inspection and copying at the principal office
38 of the board during regular business hours.

39 SECTION 7. IC 6-1.1-17-3, AS AMENDED BY P.L.162-2006,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2007]: Sec. 3. (a) The proper officers of a political subdivision
42 shall formulate its estimated budget and its proposed tax rate and tax

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levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published ~~twice~~ in accordance with IC 5-3-1 ~~with the first publication~~ at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);
- (2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:
 - (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
 - (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
 - (C) any credits that apply in the determination of the tax liability; and
 - (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;
- (3) a prominently displayed notation that:

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(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and
 (B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate;
 (4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing; statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(f) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from

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the children's psychiatric residential treatment services fund.
 A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 8. IC 6-1.1-24-6.1, AS AMENDED BY P.L.169-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) The county executive may:

(1) by resolution, identify properties:

(A) that are described in section 6.7(a) of this chapter; and

(B) concerning which the county executive desires to offer to the public the certificates of sale acquired by the county executive under section 6 of this chapter;

(2) publish notice in accordance with IC 5-3-1 of the date, time, and place for a public sale of the certificates of sale that is not earlier than ninety (90) days after ~~the last date~~ the notice is published; and

(3) sell each certificate of sale covered by the resolution for a price that:

(A) is less than the minimum sale price prescribed by section 5(e) of this chapter; and

(B) includes any costs to the county executive directly attributable to the sale of the certificate of sale.

(b) Notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:

(1) include a description of the property by parcel number and common address;

(2) specify that the county executive will accept bids for the certificates of sale for the price referred to in subsection (a)(3);

(3) specify the minimum bid for each parcel;

(4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:

(A) the amount of the minimum bid under section 5(e) of this chapter for which the tract or item of real property was last offered for sale;

(B) ten percent (10%) of the amount for which the certificate is sold;

(C) the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5;

(D) the costs of a title search or of examining and updating the

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1 abstract of title for the tract or item of real property; and
 2 (E) all taxes and special assessments on the tract or item of
 3 real property paid by the purchaser after the sale of the
 4 certificate plus interest at the rate of ten percent (10%) per
 5 annum on the amount of taxes and special assessments paid by
 6 the purchaser on the redeemed property; and

7 (5) include a statement that, if the certificate is sold for an amount
 8 more than the minimum bid under section 5(e) of this chapter for
 9 which the tract or item of real property was last offered for sale
 10 and the property is not redeemed, the owner of record of the tract
 11 or item of real property who is divested of ownership at the time
 12 the tax deed is issued may have a right to the tax sale surplus.

13 SECTION 9. IC 8-1.5-2-29 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) When the
 15 municipality and the lessor have agreed upon the terms and conditions
 16 of any waterworks lease proposed to be entered into under this chapter
 17 and before the final execution of the lease, a notice shall be given by
 18 publication in accordance with IC 5-3-1 to all persons interested, of a
 19 hearing to be held before the municipal legislative body, which hearing
 20 must be on a day not earlier than ~~twenty (20)~~ **ten (10)** days after
 21 publication of the notice.

22 (b) The notice must:

- 23 (1) name the day, place, and hour of the hearing; and
 24 (2) set forth a brief summary of the principal terms agreed upon,
 25 including:
 26 (A) the name of the lessor;
 27 (B) the character of the property to be leased;
 28 (C) the lease rental to be paid; and
 29 (D) the number of years the lease is to be in effect.

30 (c) The proposed lease must be available for inspection by the
 31 public during the ~~twenty (20)~~ **ten (10)** day period and at the hearing.

32 (d) All persons interested are entitled to be heard, at the time fixed,
 33 upon the necessity for the execution of the lease and whether the rental
 34 to be paid to the proposed lessor is a fair and reasonable rental for the
 35 waterworks facilities. The hearing may be adjourned to a later date or
 36 dates.

37 SECTION 10. IC 8-1.5-4-15 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) If, upon
 39 investigation, the board finds:

- 40 (1) that the waterworks, plant, system, or equipment is insufficient
 41 to furnish the necessary supply of water to properly protect the
 42 public health and welfare and safeguard the property within the

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1 waterworks district; or

2 (2) that it is necessary to rebuild, repair, extend, and improve the
3 waterworks, plant, systems, and equipment and to acquire lands,
4 construct, erect, or acquire other plants, reservoirs, systems, and
5 other structures and equipment appurtenant to them;

6 the board shall prepare maps, plans, specifications, and drawings with
7 full details and descriptions for the proposed work, together with an
8 estimate of the cost. The board shall also prepare a description of all
9 property rights necessary to be acquired in connection with the
10 proposed work and the manner in which the rights are to be acquired,
11 whether by purchase or appropriation, along with a description of any
12 other lands that may be injuriously affected, together with the estimated
13 cost.

14 (b) The board shall then adopt a resolution:

15 (1) declaring that it is necessary for the protection of the public
16 health and welfare of the inhabitants of the waterworks district
17 and the safeguarding of the property within the district;

18 (2) declaring that it is of public utility and benefit;

19 (3) appropriating the property described in the resolution;

20 (4) stating the maximum proposed cost of any land to be
21 purchased; and

22 (5) adopting plans, maps, specifications, drawings, details,
23 descriptions, and estimates.

24 (c) If the resolution is adopted, the board shall publish a notice in
25 accordance with IC 5-3-1 of the adoption, the resolution, and the fact
26 that plans, specifications, and estimates have been prepared and can be
27 inspected. The notice must also name a date, not less than ten (10) days
28 after the date of ~~the last~~ publication, when the board will receive or
29 hear remonstrances from the persons interested in, or affected by, the
30 resolution, and when it will determine their public utility and benefit.
31 Notice shall be mailed to the owners of all lands appropriated by the
32 resolution. If a landowner is a nonresident and his place of residence
33 is known, a notice shall be mailed to the nonresident owner. If the
34 nonresident owner's residence is unknown to the board, then he is
35 considered notified of the pendency of the proceedings by the
36 publication of notice.

37 (d) In the resolution and notice, separate descriptions of each piece
38 or parcel of land are not required, but it is a sufficient description of the
39 property purchased or to be purchased, or to be appropriated or
40 damaged, to give a description of the entire tract, whether it is one (1)
41 or more lots or parcels and whether it is owned by one (1) or more
42 persons.

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(e) All persons affected by the proceedings, including all taxpayers in the waterworks district, are considered to be notified of the proceedings and all subsequent acts, hearings, adjournments, and orders of the board by the original publication of notice.

(f) The board may, before adoption of the resolution, obtain from the owners of the land an option for its purchase or may enter into a contract for its purchase after an appraisal by two (2) qualified land surveyors. Such an option or contract is subject to the final action of the board confirming, modifying, or rescinding the resolution.

SECTION 11. IC 8-1.5-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) If, upon investigation, the board finds that:

(1) the storm water system is insufficient to furnish the necessary collection and disposal of storm water to properly protect the public health and welfare and safeguard the property within the district; or

(2) it is necessary to acquire, construct, rebuild, repair, extend, and improve the storm water system and equipment, to acquire lands, or to construct, erect, or acquire other systems and other structures and equipment appurtenant to them;

the board shall prepare maps, plans, specifications, and drawings with full details and descriptions for the proposed work, together with an estimate of the cost. The board shall also prepare a description of all property rights necessary to be acquired in connection with the proposed work and the manner in which the rights are to be acquired, whether by purchase or appropriation, along with a description of any other property that may be injuriously affected, together with the estimated cost.

(b) The board shall then adopt a resolution approving the project by:

(1) declaring that it is necessary for the protection of the public health and welfare of the inhabitants of the storm water district and the safeguarding of the property within the district;

(2) declaring that it is of public utility and benefit;

(3) appropriating the property described in the resolution;

(4) stating the maximum proposed cost of any land to be purchased; and

(5) adopting plans, maps, specifications, drawings, details, descriptions, and estimates.

(c) If the resolution is adopted, the board shall publish a notice in accordance with IC 5-3-1 of the adoption of the resolution and of the fact that plans, specifications, and estimates have been prepared and can be inspected. The notice must also name a date, not less than ten

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(10) days after the date of ~~the last~~ publication, when the board will receive or hear remonstrances from the persons interested in, or affected by, the resolution, and when it will determine the public utility and benefit of the project. Notice shall be mailed to the owners of all property appropriated by the resolution. If a landowner is a nonresident and the landowner's place of residence is known, a notice shall be mailed to the nonresident owner. If the nonresident owner's residence is unknown to the board, then the owner is considered notified of the pendency of the proceedings by the publication of notice.

(d) Separate descriptions of each piece or parcel of land are not required in the resolution and notice, but it is a sufficient description of the property purchased or to be purchased, or to be appropriated or damaged, to give a description of the entire tract, whether it is one (1) or more lots or parcels and whether it is owned by one (1) or more persons.

(e) All persons affected by the proceedings, including all taxpayers in the storm water district, are considered to be notified of the proceedings and all subsequent acts, hearings, adjournments, and orders of the board by the original publication of notice.

(f) The board may, before adoption of the resolution, obtain from the owners of the property an option for its purchase or may enter into a contract for its purchase after an appraisal by two (2) qualified land appraisers. An option or contract is subject to the final action of the board confirming, modifying, or rescinding the resolution.

SECTION 12. IC 8-6-2.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Upon the adoption of the resolution for separation or alteration of grades, the board shall cause notice of the adoption and intention, and of the fact that the maps, plans, specifications, agreements and estimates have been prepared and can be inspected, to be published in accordance with IC 5-3-1. The notice shall name a day not less than ~~twenty (20)~~ **ten (10)** days after the date of ~~the last~~ publication on which the board will receive or hear remonstrances from persons interested in or affected by the proceedings, and when it will determine the public necessity and convenience of the project.

(b) A like notice shall be sent by mail to the owners of all lands to be appropriated under and by the resolution, and in case any landowner is a nonresident and his place of residence is known, a like notice shall be mailed to him, but in event the nonresident owner's residence is unknown by the board, then he is considered to have been notified of the pendency of the proceedings by the publication of notice. A like notice shall also be served on a resident agent or officer of any railroad

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1 company or street railway company whose tracks are affected by the
 2 proceeding, but failure to serve the notice shall not invalidate the
 3 jurisdiction of the board in the premises.

4 (c) If the Indiana state highway commission and the county in which
 5 the city is located participate in the proceedings, then a like notice shall
 6 be served upon the state highway commission and upon the board of
 7 commissioners of the county.

8 SECTION 13. IC 8-6-2.1-29 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) In order to raise
 10 money to pay the city's portion of the total cost of an improvement and
 11 in anticipation of the special benefit tax to be levied, the board shall
 12 issue, in the name of the city, at one (1) time, or from time to time as
 13 the proceeds are needed, the bonds of the grade separation or railroad
 14 relocation and reconstruction district not to exceed in aggregate amount
 15 the balance of the city's portion of the total cost after deducting from
 16 the city's portion the total amount of benefits, if any, which have been
 17 assessed by the board and finally confirmed or adjudged against lots
 18 and parcels of land exclusive of improvements lying within two
 19 thousand (2,000) feet of any grade crossing eliminated or altered by the
 20 improvement, or within two thousand (2,000) feet of any lands or
 21 rights-of-way abandoned in whole or in part for railroad use or from
 22 which railroad facilities are to be removed.

23 (b) The bonds may be issued in any denomination not exceeding one
 24 thousand dollars (\$1,000) each in not less than forty (40) nor more than
 25 sixty (60) equal series, as the board determines, and shall be payable
 26 one (1) series each six (6) months beginning on the first day of July of
 27 the first year following the date of their issue. If the bond issue is
 28 ordered in any calendar year after the date of the annual tax levy, then
 29 the first series shall mature on the first day of July of the second year
 30 and the balance of the bonds at the designated regular intervals. The
 31 bonds shall be negotiable as inland bills of exchange and shall bear
 32 interest payable on the first days of January and July of each year, the
 33 first interest to be payable on the first maturity date of the bonds.

34 (c) Upon adoption of a resolution ordering bonds, the board shall
 35 certify a copy of the resolution to the controller or clerk-treasurer of the
 36 city in which the grade separation district is located; that officer shall
 37 prepare the bonds, and the mayor of the city shall execute the bonds
 38 and the city controller or clerk-treasurer shall attest the execution. The
 39 bonds shall be exempt from taxation for all purposes. All bonds issued
 40 by the board shall be sold by the city controller or clerk-treasurer to the
 41 highest bidder, but not at less than par and accrued interest to date of
 42 delivery, after giving notice of sale of the bonds by publication in

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1 accordance with IC 5-3-1. The publication shall be made not less than
 2 ~~fifteen (15)~~ **ten (10)** days prior to the date fixed for the sale of the
 3 bonds.

4 (d) The bonds are not a corporate obligation or indebtedness of the
 5 city, but constitute an indebtedness of the district as a special taxing
 6 district, and the bonds and interest shall be payable only out of a
 7 special tax levied upon all property of the special taxing district, as in
 8 this chapter provided, and the bonds shall recite the terms upon their
 9 face, together with the purposes for which they are issued.

10 (e) No suit to question the validity of the bonds issued for the
 11 special taxing district, or to prevent their issue, may be maintained after
 12 the date set for the sale of the bonds, and all bonds after that date are
 13 incontestable for any cause.

14 SECTION 14. IC 8-15.5-4-9, AS ADDED BY P.L.47-2006,
 15 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2007]: Sec. 9. If the authority makes a preliminary selection
 17 of an operator under section 8 of this chapter, the authority shall
 18 schedule a public hearing on the preliminary selection and publish
 19 notice of the hearing one (1) time in accordance with IC 5-3-1 at least
 20 ~~seven (7)~~ **ten (10)** days before the hearing. The notice must include the
 21 following:

- 22 (1) The date, time, and place of the hearing.
- 23 (2) The subject matter of the hearing.
- 24 (3) A description of the related toll road project and of the
 25 public-private agreement to be awarded.
- 26 (4) The identity of the offeror that has been preliminarily selected
 27 as the operator for the project.
- 28 (5) The address and telephone number of the authority.
- 29 (6) A statement indicating that, subject to section 6 of this
 30 chapter, and except for those portions that are confidential under
 31 IC 5-14-3, the selected offer and an explanation of the basis upon
 32 which the preliminary selection was made are available for public
 33 inspection and copying at the principal office of the authority
 34 during regular business hours.

35 SECTION 15. IC 8-15.7-4-1, AS ADDED BY P.L.47-2006,
 36 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2007]: Sec. 1. (a) The department may request proposals from
 38 private entities for all or part of the development, financing, and
 39 operation of one (1) or more projects.

40 (b) If all or part of the project will consist of a tollway, the
 41 department shall take the following steps before the commencement of
 42 the procurement process under this chapter:

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(1) The department shall cause to be prepared a preliminary feasibility study on that part of the project consisting of a tollway by a firm or firms internationally recognized in the preparation of studies or reports on the financial feasibility of proposed toll road projects. The preliminary feasibility study must be based upon a public-private financial and project delivery structure.

(2) After the completion of the preliminary feasibility study, the department shall schedule a public hearing on the proposed project and the preliminary feasibility study and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least ~~seven (7)~~ **ten (10)** days before the hearing. The notice must include the following:

(A) The date, time, and place of the hearing.

(B) The subject matter of the hearing.

(C) A description of the proposed project, its location, the part of the project consisting of a tollway, and, consistent with the assessments reached in the preliminary feasibility study, the estimated total cost of the acquisition, construction, installation, equipping, and improving of the proposed project, as well as the part of the project consisting of a tollway.

(D) The address and telephone number of the department.

(3) At the hearing, the department shall allow the public to be heard on the proposed project and the preliminary feasibility study.

(4) After the public hearing described in subdivision (2), the department shall submit the preliminary feasibility study to the budget committee for its review before the commencement of the procurement process under this chapter.

SECTION 16. IC 8-15.7-4-2, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section establishes the competitive proposal procedure that the department shall use to enter into a public-private agreement with an operator under this article.

(b) The department may pursue a competitive proposal procedure using a request for qualifications and a request for proposals process or proceed directly to a request for proposals.

(c) If the department elects to use a request for qualifications phase, it must provide a public notice of the request for qualifications, for the period considered appropriate by the department, before the date set for receipt of submittals in response to the solicitation. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner

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provided by IC 5-3-1. In addition, submittals in response to the solicitation may be solicited directly from potential offerors.

(d) The department shall evaluate qualification submittals based on the requirements and evaluation criteria set forth in the request for qualifications.

(e) If the department has undertaken a request for qualifications phase resulting in one (1) or more prequalified or shortlisted offerors, the request for proposals shall be limited to those offerors that have been prequalified or shortlisted.

(f) If the department has not issued a request for qualifications and intends to use only a one (1) phase request for proposals procurement, the department must provide a public notice of the request for proposals for the period considered appropriate by the department, before the date set for receipt of proposals. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, proposals may be solicited directly from potential offerors.

(g) The department shall submit a draft of the request for proposals to the budget committee for its review before the issuance by the department of the request for proposals to potential offerors. The request for proposals must:

- (1) indicate in general terms the scope of work, goods, and services sought to be procured;
- (2) contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement and the qualifying project;
- (3) specify the factors, criteria, and other information that will be used in evaluating the proposals;
- (4) specify any requirements or goals for use of:
 - (A) minority business enterprises and women's business enterprises certified under IC 4-13-16.5;
 - (B) disadvantaged business enterprises under federal or state law;
 - (C) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations; and
 - (D) businesses that qualify for a small business set-aside under IC 4-13.6-2-11;
- (5) if all or part of the project will consist of a tollway, require any offeror to submit a proposal based upon that part of the project that will consist of a tollway, as set forth in the request for

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proposals, and permit any offeror to submit one (1) or more alternative proposals based upon the assumption that a different part or none of the project will consist of a tollway;

(6) contain or incorporate by reference the other applicable contractual terms and conditions; and

(7) contain or incorporate by reference any other provisions, materials, or documents that the department considers appropriate.

(h) The department shall determine the evaluation criteria that are appropriate for each project and shall set those criteria forth in the request for proposals. The department may use a selection process that results in selection of the proposal offering the best value to the public, a selection process that results in selection of the proposal offering the lowest price or cost or the highest payment to, or revenue sharing with, the department, or any other selection process that the department determines is in the best interests of the state and the public.

(i) The department shall evaluate proposals based on the requirements and evaluation criteria set forth in the request for proposals.

(j) The department may select one (1) or more offerors for negotiations based on the evaluation criteria set forth in the request for proposals. If the department believes that negotiations with the selected offeror or offerors are not likely to result in a public-private agreement, or, in the case of a best value selection process, no longer reflect the best value to the state and the public, the department may commence negotiations with other responsive offerors, if any, and may suspend, terminate, or continue negotiations with the original offeror or offerors. If negotiations are unsuccessful, the department shall terminate the procurement, may not award the public-private agreement, and may commence a new procurement for a public-private agreement. If the department determines that negotiations with an offeror have been successfully completed, the department shall, subject to the other requirements of this article, award the public-private agreement to the offeror.

(k) Before awarding a public-private agreement to an operator, the department shall schedule a public hearing on the proposed public-private agreement and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least ~~seven (7)~~ **ten (10)** days before the hearing. The notice must include the following:

(1) The date, time, and place of the hearing.

(2) The subject matter of the hearing.

(3) A description of the agreement to be awarded.

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(4) The recommendation that has been made to award the agreement to an identified offeror or offerors.

(5) The address and telephone number of the department.

(l) At the hearing, the department shall allow the public to be heard on the proposed public-private agreement.

(m) When the terms and conditions of multiple awards are specified in the request for proposals, awards may be made to more than one (1) offeror.

SECTION 17. IC 8-16-3.5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. Notwithstanding any other provision of this chapter, a contract of lease with any profit corporation is subject to competitive bid and may only be entered into after compliance with the following:

(1) The lessee shall prepare and place on file in the lessee's offices a proposed lease and complete drawings and specifications for the bridge described in section 1 of this chapter to include necessary equipment and appurtenances to the equipment. The lease must be complete in its terms except for total rental or other consideration which is subject to bid provided for in this section.

(2) After that, the lessee shall publish a notice in accordance with IC 5-3-1 informing the public and potential lessors of the general nature of the lease and of the fact that the proposed lease, drawings, and specifications are on file in the office, and calling for sealed proposals for the contract of lease on a specific date not earlier than ten (10) days after ~~the first day of~~ publication of the notice.

(3) The lessee shall require each bidder to file with the lessee an affidavit that the bidder has not, directly or indirectly, entered into any combination, collusion, undertaking, or agreement with any other bidder to maintain the price of the bid, or to prevent any other bidder from bidding, or to induce any bidder to refrain from bidding, and that the bid is made without regard or reference to any other bid, and without any agreement, understanding, or combination, either directly or indirectly, with any other person with reference to the bidding. If, after any contract of lease has been let by the lessee, it shall appear that the successful bidder has been guilty of any collusion, combination, undertaking, or agreement, as defined in the affidavit, the bidder shall forfeit the contract of lease, and the contract of lease shall be relet by the lessee.

(4) The lessee may, in the lessee's discretion, fix a later day for receiving the bids, provided that the date shall be mentioned in

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each of the notices.

(5) The lessee shall, if a satisfactory bid is received, let control of the lease to the lowest and best bidder.

(6) The lessee may, by order, impose further conditions upon bidders with regard to bond and surety, guaranteeing the good faith and responsibility of the word provided for in the proposed contract of lease, or insuring the faithful completion of the terms of the proposed contract of lease, or for any other purpose.

SECTION 18. IC 8-22-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. The board of an eligible entity may, upon resolution of the board, sell the minerals or mineral rights or royalties, or grant leases for the removal of a mineral in or under an airport or landing field owned by the entity. They shall be sold or leased in the same manner as land is sold or leased under this chapter, and the proceeds derived from these sources shall be deposited with the treasurer of the entity in the aviation fund of the entity and expended as provided by statute for the proceeds of the sale of aviation lands. However, no sale or lease for more than one (1) year may be made, except to the highest and best bidder, after notice of sale or lease has been given within the boundaries of the entity in accordance with IC 5-3-1, the ~~last~~ publication of notice having been made at least ~~one (1) week~~ **ten (10) days** before the date of the sale or lease.

SECTION 19. IC 9-22-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) This section applies to the bureau.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 20 of this chapter, the bureau shall sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1. ~~except only one (1) newspaper insertion one (1) week before the public sale is required.~~

(c) This subsection applies to a consolidated city or a county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the bureau shall sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1. ~~except only one (1) newspaper insertion one (1) week before the public sale is required.~~

SECTION 20. IC 9-22-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) This section applies to a consolidated city, second class city, or county.

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(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1. ~~except that only one (1) newspaper insertion one (1) week before the public sale is required.~~

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1. ~~except that only one (1) newspaper insertion one (1) week before the public sale is required.~~

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 21. IC 13-21-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) When:

(1) plans and specifications have been prepared according to the public bidding requirements of IC 36-1-12; or

(2) a resolution approving a request for proposals has been adopted by the board;

the board may adopt a resolution declaring that, upon investigation, the board has found it necessary for the public health and welfare, and of public utility and benefit, to construct, modify, or acquire, and maintain if constructed the facility and to acquire the property described for that purpose.

(b) The resolution shall be kept open to inspection by all persons interested in or affected by the acquisition of the property or the construction of the facility.

(c) Upon adoption of the resolution, the board shall give public notice of the adoption and the resolution's purpose ~~The notice must name a date not later than~~ **and provide at least ten (10) days after the date of the last publication of the notice before the date** on which the board will do the following:

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(1) Receive or hear remonstrances from persons interested in or affected by the facility.

(2) Determine the public utility and benefit of the facility.

SECTION 22. IC 14-26-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) Notwithstanding any other provision of law but subject to section 11 of this chapter, the department may not authorize:

(1) the changing of the level;

(2) the dredging, other than to maintain channels or construct sea walls, beaches, or near-shore access improvements on a lot by lot basis; or

(3) the mining;

of a public freshwater lake without giving notice and the opportunity for a public hearing at the county seat of the county in which the lake is located.

(b) The notice must:

(1) generally describe the project for which a permit has been requested to authorize;

(2) state that the public has a right to request that a hearing be held on the proposed project;

(3) state that persons interested in or affected by the proposed project may speak at the hearing; and

(4) be published ~~two (2) times, seven (7) days apart, in two (2) daily newspapers once~~ in the county in which the lake is located, in the manner prescribed by IC 5-3-1.

(c) If a hearing is requested within ten (10) days after ~~the final~~ publication of the notice, the department shall do the following:

(1) Hold a public hearing in the manner stated in the notice.

(2) Give notice of the date, time, and place of the hearing as prescribed in subsection (b).

(3) Consider the public comments concerning the proposed project before the department makes a decision concerning the proposal.

SECTION 23. IC 14-33-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) This section applies to districts:

(1) established after July 1, 1983; and

(2) containing all or part of a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Each year the board shall submit two (2) copies of the estimated budget formulated by the district for the next budget year to the fiscal

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body of the county described in subsection (a) at least ten (10) days before the board holds the public hearing on the estimated budget under IC 6-1.1-17-3.

(c) The fiscal body:

(1) shall hold a public hearing on the budget; and

(2) may lower but may not increase any item in the estimated budget.

Notice of the hearing shall be published in accordance with IC 5-3-1. ~~except that notice must be published at least five (5) days before the hearing date.~~

(d) The county fiscal body shall deliver two (2) copies of the budget approved under subsection (c) to the board at least two (2) days before the date fixed for the public hearing on the budget held by the board under IC 6-1.1-17-3. The board may not approve a total budget in excess of the amount approved by the county fiscal body.

SECTION 24. IC 16-22-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) The governing board may mortgage all or part of an interest in real or personal property owned by the hospital and may enter into a sale and leaseback of hospital property on terms and conditions acceptable to the board.

(b) The following property may be disposed of on terms and conditions acceptable to the board:

(1) Real or personal property subject to a mortgage or sale and leaseback arrangement.

(2) Real or personal property in which the hospital has an ownership interest as a participant in an organization or activity described in section 1(b) of this chapter.

(3) An arrangement in which at least two (2) hospitals participate for the provision of any hospital or related services, including participation or ownership as a tenant in common with other hospitals.

(c) Except as provided in subsection (b), real or personal property or an interest in real or personal property owned by the hospital may be disposed of as follows:

(1) Personal property:

(A) that has limited or no use to the hospital; and

(B) that:

(i) has value not exceeding fifteen thousand dollars (\$15,000); or

(ii) is traded upon purchase of other personal property;

may be disposed of without the necessity of advertising, auctioning, or requesting bids.

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(2) Real property that the board considers no longer necessary for hospital purposes shall be sold after the following occur:

(A) The property is appraised by three (3) disinterested owners of taxable real property of the county.

(B) The board publishes notice of the sale one (1) time at least ~~seven (7)~~ **ten (10)** days before the date of the sale.

(C) The sale is approved by the commissioners.

The board shall determine the time, terms, and conditions of the sale of property.

(3) Personal property other than property described in subdivision (1) shall be sold at public auction. The board shall publish notice of the sale one (1) time at least ~~seven (7)~~ **ten (10)** days before the date of the sale. If sealed bids are solicited in the published notice of the sale, the bids must be opened in public on the date and time of the sale to satisfy the public auction requirement.

Upon the sale of real property under this subsection and the payment of the purchase price, the board and the commissioners shall execute a deed of conveyance to the purchaser. The proceeds of all sales are a part of the hospital funds to be held and used for the use and benefit of the hospital.

(d) If a trust (as defined in IC 30-4-1-1(a)) submits a bid in a sale or lease conducted under subsection (b), (c), or (e), the bid must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

(e) If it is determined by the board, the county executive, and the county fiscal body, by joint resolution, that:

(1) the hospital should cease doing business as a county hospital;

(2) the hospital should be terminated and dissolved; and

(3) the entire hospital building or buildings should be sold or leased to a for-profit corporation, partnership, or entity;

the proposed sale or lease shall be considered publicly, and the board, the county executive, and the county fiscal body shall follow the procedures of IC 16-22-6-18 concerning notice and hearing on the terms and provisions of the sale or lease. The terms and provisions of the sale or lease shall be determined by the board, the county executive, and the county fiscal body and shall be presented at a hearing as required by IC 16-22-6-18.

(f) An individual who is a:

(1) board member in the member's capacity as a board member; or

(2) member of:

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1 (A) the county executive; or
 2 (B) the county fiscal body;
 3 is immune from potential or actual liability attributable to the
 4 individual with respect to a sale or lease under subsection (e).

5 (g) In the event of a sale or lease under this section, the county is not
 6 liable for:

7 (1) any liabilities of the hospital that:

8 (A) were incurred on or before; or

9 (B) are incurred at any time after;

10 the sale or lease date; or

11 (2) any future liabilities incurred by the successor entity;

12 unless otherwise agreed to by the county at the time of the sale or lease
 13 in the sale or lease document. Any liabilities described in this
 14 subsection are the responsibility of the purchasing or leasing entity,
 15 unless agreed to otherwise in the sale or lease document.

16 (h) After the hearing on the proposed sale or lease, if it is
 17 determined by the board, the county executive, and the county fiscal
 18 body that the sale or lease should proceed, the hospital building or
 19 buildings shall be sold or leased in accordance with proposed terms and
 20 provisions.

21 (i) The board, the county executive, and the county fiscal body shall
 22 execute:

23 (1) a deed of conveyance upon payment of the purchase price if
 24 the buildings are sold; or

25 (2) a lease upon terms the board, the county executive, and the
 26 county fiscal body consider reasonable if the buildings are leased.

27 (j) The proceeds of the sale or lease of all of the hospital buildings
 28 must first be applied to outstanding indebtedness attributable to the
 29 hospital buildings. The commissioners shall deposit the balance of the
 30 proceeds from the sale or lease and any property in the hospital fund in:

31 (1) a nonexpendable interest bearing trust fund from which claims
 32 are paid for county hospital claims for the indigent or any other
 33 fund that the county executive and county fiscal body designate;
 34 or

35 (2) the county general fund.

36 SECTION 25. IC 16-22-8-15, AS AMENDED BY P.L.184-2005,
 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2007]: Sec. 15. (a) The board shall by rule provide for regular
 39 meetings to be held at a designated interval throughout the year.

40 (b) The chairperson or a majority of the members of the board may
 41 call a special meeting. The board shall by rule establish a procedure for
 42 calling special meetings. The corporation shall publish notice of a

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special meeting one (1) time, not less than ~~twenty-four (24) hours~~ **ten (10) days** before the time of the meeting, in two (2) newspapers of general circulation in the county in which the corporation is established.

(c) Regular and special meetings are open to the public. Public notice of meetings must be given as required by IC 5-14-1.5-5.

SECTION 26. IC 16-22-8-21, AS AMENDED BY P.L.88-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Not less than ~~seven (7)~~ **ten (10)** days before a meeting considering the final passage of a proposed ordinance, the corporation shall publish a notice that the proposed ordinance is pending final action. The notice must be published one (1) time in two (2) newspapers with general circulation in the county. Notice of an ordinance establishing a budget must be in accordance with the general law relating to budgets of first class cities.

(b) The notice must state the following:

- (1) The general subject matter of the proposed ordinance.
- (2) The time and place of the meeting.
- (3) The proposed ordinance is available from the corporation.

(c) The corporation may publish in one (1) notice the general subject matter of each ordinance pending final action for which notice has not been given.

(d) An ordinance is not invalid because the reference to the subject matter of the proposed ordinance was inadequate if the reference is sufficient to advise the public of the general subject matter.

SECTION 27. IC 16-22-8-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 55. (a) The corporation may borrow money on promissory notes issued in the corporation's name, as a municipal corporation, from recognized lending institutions, and pledge as security unlimited ad valorem taxes levied by the corporation and collected on all taxable property within the jurisdiction of the corporation. It is the duty of all officials and bodies with control or discretion over the levying of taxes for the corporation to see that sufficient levies are made to meet the principal and interest on promissory notes. The promissory notes issued under this section shall be treated for taxation purposes the same as bonds issued by a municipal corporation in accordance with IC 6-8-5-1.

(b) Funds obtained by the method provided in this section shall be limited in use to the payment of lease rental for medical, surgical, and related equipment used by the corporation when the board determines that leasing the equipment is more practical and economical than purchasing. The decision to lease rather than purchase is within the

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1 sole discretion of the board.

2 (c) The length, terms, and conditions of promissory notes issued
3 under this section are subject to negotiation between the board or the
4 board's representative and the lending institutions bidding. Before
5 entering into negotiations for the loan, the board of trustees shall
6 publish a notice one (1) time in a newspaper of general circulation in
7 the health and hospital corporation naming a date not less than ~~seven~~
8 **(7) ten (10)** days after the publication of notice on which the board will
9 receive and consider proposals from lending institutions for the making
10 of the loan.

11 (d) After determination of the board to borrow and to issue
12 promissory notes, and after a determination of the best proposal
13 submitted by lending institutions, the board shall give notice of the
14 board's determination to borrow and to issue promissory notes in the
15 manner provided by IC 6-1.1-20. The taxpayers have the right to appeal
16 the determination to the department of local government finance in the
17 manner and within the time provided in IC 6-1.1-20.

18 SECTION 28. IC 16-31-2-11 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The commission
20 shall develop procedures for ongoing review of all emergency
21 ambulance services.

22 (b) The commission may review any pre-hospital ambulance rescue
23 or report record regarding an emergency patient that is utilized or
24 compiled by an emergency ambulance service employing paramedics,
25 emergency medical technicians-intermediate, emergency medical
26 technicians, or emergency medical technicians-basic advanced.
27 However, except as provided in subsection (d), those records shall
28 remain confidential and may be used solely for the purpose of
29 compiling data and statistics. The use of such data or statistics is
30 subject to IC 4-1-6.

31 (c) The commission may develop and oversee experimental study
32 projects conducted by ambulance service providers in limited
33 geographic areas of Indiana. These study projects must be developed
34 and conducted in accordance with rules adopted by the commission
35 under IC 4-22-2. These study projects must be designed to test the
36 efficacy of new patient care techniques and new ambulance service
37 systems.

38 (d) This subsection applies to emergency ambulance services that
39 are provided by or under a contract with an entity that is a public
40 agency for purposes of IC 5-14-3. The following information, if
41 contained in a pre-hospital ambulance rescue or report record regarding
42 an emergency patient, is public information and must be made

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available for inspection and copying under IC 5-14-3:

(1) The name of the patient.

~~(1)~~ **(2)** The date and time of the request for ambulance services.

~~(2)~~ **(3)** The reason for the request for assistance.

~~(3)~~ **(4)** The time and nature of the response to the request for ambulance services.

~~(4)~~ **(5)** The time of arrival at the scene where the patient was located.

~~(5)~~ **(6)** The time of departure from the scene where the patient was located.

~~(6)~~ **(7)** The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility.

SECTION 29. IC 20-23-7-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) In any county or adjoining counties at least two (2) school corporations, including school townships, school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, township school districts, or community school corporations, regardless of whether the consolidating school corporations are of the same or of a different character, may consolidate into one (1) metropolitan school district. Subject to subsection (h), the consolidation must be initiated by following either of the following procedures:

(1) The township trustee, board of school trustees, board of education, or other governing body (the trustee, board, or other governing body is referred to elsewhere in this section as the "governing body") of each school corporation to be consolidated shall:

(A) adopt substantially identical resolutions providing for the consolidation; and

(B) publish a notice setting out the text of the resolution one (1) time under IC 5-3-1.

The resolution must set forth any provision for staggering the terms of the board members of the metropolitan school district elected under this chapter. If, not more than thirty (30) days after publication of the resolution, a petition of protest, signed by at least twenty percent (20%) of the registered voters residing in the school corporation is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside, a referendum election shall be held as provided in subsection (c).

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(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations under subdivision (1), a referendum election under subsection (c) shall be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside.

(C) Not more than thirty (30) days after the service of the petition by the clerk of the circuit court to the governing body of the responding school corporation under subsection (b) and the certification of signatures on the petition occurs under subsection (b), the governing body of the responding school corporation adopts a resolution approving the petition and providing for the consolidation.

(D) An approving resolution has the same effect as the substantially identical resolutions adopted by the governing bodies under subdivision (1), and the governing bodies shall publish the notice provided under subdivision (1) not more than ~~fifteen (15)~~ **thirty (30)** days after the approving resolution is adopted. However, if a governing body that is a party to the consolidation fails to publish notice within the required ~~fifteen (15)~~ **thirty (30)** day time period, a referendum election still must be held as provided in subsection (c).

If the governing body of the responding school corporation does not act on the petition within the thirty (30) day period described in clause (C), the governing body's inaction constitutes a disapproval of the petition request. If the governing body of the responding school corporation adopts a resolution disapproving the petition or fails to act within the thirty (30) day period, a referendum election as described in subsection (c) may not be held and the petition requesting the consolidation is defeated.

(b) Any petition of protest under subsection (a)(1) or a petition requesting consolidation under subsection (a)(2) must show in the petition the date on which each person has signed the petition and the person's residence on that date. The petition may be executed in several counterparts, the total of which constitutes the petition. Each counterpart must contain the names of voters residing within a single

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1 county and shall be filed with the clerk of the circuit court of the
 2 county. Each counterpart must have attached to it the affidavit of the
 3 person circulating the counterpart that each signature appearing on the
 4 counterpart was affixed in that person's presence and is the true and
 5 lawful signature of each person who made the signature. Any signer
 6 may file the petition or any counterpart of the petition. Each signer on
 7 the petition may before and may not after the filing with the clerk
 8 withdraw the signer's name from the petition. A name may not be
 9 added to the petition after the petition has been filed with the clerk.
 10 After the receipt of any counterpart of the petition, each circuit court
 11 clerk shall certify:

- 12 (1) the number of persons signing the counterpart;
- 13 (2) the number of persons who are registered voters residing
 14 within that part of the school corporation located within the
 15 clerk's county, as disclosed by the voter registration records in the
 16 office of the clerk or the board of registration of the county, or
 17 wherever registration records may be kept;
- 18 (3) the total number of registered voters residing within the
 19 boundaries of that part of the school corporation located within
 20 the county, as disclosed in the voter registration records; and
- 21 (4) the date of the filing of the petition.

22 Certification shall be made by each clerk of the circuit court not more
 23 than thirty (30) days after the filing of the petition, excluding from the
 24 calculation of the period any time during which the registration records
 25 are unavailable to the clerk, or within any additional time as is
 26 reasonably necessary to permit the clerk to make the certification. In
 27 certifying the number of registered voters, the clerk of the circuit court
 28 shall disregard any signature on the petition not made within the ninety
 29 (90) days immediately before the filing of the petition with the clerk as
 30 shown by the dates set out in the petition. The clerk of the circuit court
 31 shall establish a record of the certification in the clerk's office and shall
 32 serve the original petition and a copy of the certification on the county
 33 election board under IC 3-10-9-3 and the governing bodies of each
 34 affected school corporation. Service shall be made by mail or manual
 35 delivery to the governing bodies, to any officer of the governing bodies,
 36 or to the administrative office of the governing bodies, if any, and shall
 37 be made for all purposes of this section on the day of the mailing or the
 38 date of the manual delivery.

39 (c) The county election board in each county where the proposed
 40 metropolitan school district is located, acting jointly where the
 41 proposed metropolitan school district is created and where it is located
 42 in more than one (1) county, shall cause any referendum election

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required under either subsection (a)(1) or (a)(2) to be held in the entire proposed metropolitan district at a special election. The special election shall be not less than sixty (60) days and not more than ninety (90) days after the service of the petition of protest and certification by each clerk of the circuit court under subsection (a)(1) or (a)(2) or after the occurrence of the first action requiring a referendum under subsection (a)(2). However, if a primary or general election at which county officials are to be nominated or elected, or at which city or town officials are to be elected in those areas of the proposed metropolitan school district that are within the city or town, is to be held after the sixty (60) days and not more than six (6) months after the service or the occurrence of the first action, each election board may hold the referendum election with the primary or general election.

(d) Notice of the special election shall be given by each election board by publication under IC 5-3-1.

(e) Except where it conflicts with this section or cannot be practicably applied, IC 3 applies to the conduct of the referendum election. If the referendum election is not conducted at a primary or general election, the cost of conducting the election shall be charged to each component school corporation included in the proposed metropolitan school district in the same proportion as its assessed valuation bears to the total assessed valuation of the proposed metropolitan school district and shall be paid from any current operating fund of each component school corporation not otherwise appropriated, without appropriation.

(f) The question in the referendum election shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the school corporations of _____ be formed into one (1) metropolitan school district under IC 20-23-7?" (in which blanks the respective name of the school districts concerned will be inserted).

(g) If:

(1) a protest petition with the required signatures is not filed after the adoption of substantially identical resolutions of the governing bodies providing for or approving the consolidation as described in subsection (a)(1); or

(2) a referendum election occurs in the entire proposed metropolitan district and a majority of the voters in each proposed consolidating school corporation vote in the affirmative;

a metropolitan school district is created and comes into existence in the territory subject to the provisions and under the conditions described in this chapter. The boundaries include all of the territory within the school corporations, and it shall be known as "Metropolitan School

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District of _____, Indiana" (the name of the district concerned will be inserted in the blank). The name of the district shall be decided by a majority vote of the metropolitan governing board of the metropolitan school district at the first meeting. The metropolitan governing board of the new metropolitan school district shall be composed and elected under this chapter. The failure of any public official or body to perform any duty within the time provided in this chapter does not invalidate any proceedings taken by that official or body, but this provision shall not be construed to authorize a delay in the holding of a referendum election under this chapter.

(h) If the governing body of a school corporation is involved in a consolidation proposal under subsection (a)(1) or (a)(2) that fails to result in a consolidation, the:

- (1) governing body of the school corporation may not initiate a subsequent consolidation with another school corporation under subsection (a)(1); and
- (2) residents of the school corporation may not file a petition requesting a consolidation with another school corporation under subsection (a)(2);

for one (1) year after the date on which the prior consolidation proposal failed.

SECTION 30. IC 20-48-4-2, AS ADDED BY P.L.2-2006, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

- (1) may run for a period not exceeding fifteen (15) years;
- (2) may bear interest at any rate; and
- (3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice in at least one (1) newspaper announcing the sale of the bonds. ~~in at least one (1) issue a week for three (3) weeks.~~ The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

(b) The board shall annually levy sufficient taxes each year to pay at least one-fifteenth ($1/15$) of the warrants or bonds, including interest, and the trustee shall apply the annual tax to the payment of the warrants or bonds each year.

(c) A debt of the township may not be created except by the township board in the manner specified in this section. The board may

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bring an action in the name of the state against the bond of a trustee to recover for the use of the township funds expended in the unauthorized payment of a debt. The board may appropriate and the township trustee shall pay from township funds a reasonable sum for attorney's fees for this purpose.

(d) If a taxpayer serves the board with a written demand that the board bring an action as described in subsection (c), and after thirty (30) days the board has not brought an action, a taxpayer may bring an action to recover for the use of the township funds expended in the unauthorized payment of a debt. An action brought under this subsection shall be brought in the name of the state.

SECTION 31. IC 23-14-65-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) Before adopting an ordinance transferring its powers and duties over a cemetery under section 9, 10, or 11 of this chapter, the legislative body of a municipality must first give notice of its intention by notice published ~~once each week for two (2) weeks~~ in accordance with IC 5-3-1. The notice must announce a hearing at which the legislative body will hear any objections by any taxpayer or owner of a lot in the cemeteries.

(b) The hearing referred to in subsection (a) must:

- (1) be set for a date at least ~~two (2) weeks~~ **ten (10) days** after the first publication of the notice;
- (2) be held at a designated location; and
- (3) provide all taxpayers or owners of lots in the cemeteries an opportunity to be heard.

(c) The legislative body shall give careful consideration to the views of the lot owners and taxpayers as expressed at the hearing referred to in subsection (a). Not less than five (5) days after the hearing, the legislative body shall adopt or defeat the ordinance under which its powers and duties over a cemetery would be transferred.

(d) If the ordinance referred to in subsection (c) is adopted, all papers and documents appropriate for the transfer of the management and control of the property or properties must be executed in behalf of the municipality by:

- (1) the executive and clerk or clerk-treasurer of the municipality; and
- (2) the agents of the cemetery.

SECTION 32. IC 36-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this section, "abutting landowner" means an owner of property that:

- (1) touches, borders on, or is contiguous to the property that is the subject of sale; and

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(2) does not constitute a:

(A) public easement; or

(B) public right-of-way.

(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

(1) appraisal fees;

(2) title insurance;

(3) recording fees; and

(4) advertising costs.

(c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the disposing agent may proceed under this section.

(d) The disposing agent may determine that:

(1) the highest and best use of the tract is sale to an abutting landowner;

(2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or

(3) it is economically unjustifiable to sell the tract under section 4 of this chapter.

(e) Within ~~ten (10)~~ **thirty (30)** days after the disposing agent makes a determination under subsection (d), the disposing agent shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:

(1) the property may not be sold to a person who is ineligible under section 16 of this chapter; and

(2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(A) beneficiary of the trust; and

(B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the disposing agent shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The disposing agent shall also have each tract appraised. The appraiser must be professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the disposing agent is not required

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1 to have the tract appraised.

2 (g) If, within ten (10) days after the date of publication of the notice
3 under subsection (e), the disposing agent receives an eligible offer to
4 purchase a tract listed in the notice at or in excess of the offering price,
5 the disposing agent shall conduct the negotiation and sale of the tract
6 under section 4(c) through 4(g) of this chapter.

7 (h) Notwithstanding subsection (g), if within ten (10) days after the
8 date of publication of the notice under subsection (e) the disposing
9 agent does not receive from any person other than an abutting
10 landowner an eligible offer to purchase the tract at or in excess of the
11 offering price, the disposing agent shall conduct the negotiation and
12 sale of the tract as follows:

13 (1) If only one (1) abutting landowner makes an eligible offer to
14 purchase the tract, then subject to section 16 of this chapter and
15 without further appraisal or notice, the disposing agent shall offer
16 to negotiate for the sale of the tract with that abutting landowner.

17 (2) If more than one (1) eligible abutting landowner submits an
18 offer to purchase the tract, the other eligible abutting landowners
19 who submit offers shall be informed of the highest offer received
20 and be given an opportunity to submit one (1) additional offer.
21 The tract shall be sold to the eligible abutting landowner who
22 submits the highest offer for the tract and who complies with any
23 requirement under subsection (e)(2).

24 (3) If no eligible abutting landowner submits an offer to purchase
25 the tract, the disposing agent may sell the tract to any person who
26 submits the highest offer for the tract, except a person who is
27 ineligible to purchase the tract under section 16 of this chapter.

28 SECTION 33. IC 36-1-12-4, AS AMENDED BY P.L.169-2006,
29 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2007]: Sec. 4. (a) This section applies whenever the cost of a
31 public work project will be:

32 (1) at least seventy-five thousand dollars (\$75,000) in:

33 (A) a consolidated city or second class city;

34 (B) a county containing a consolidated city or second class
35 city; or

36 (C) a regional water or sewage district established under
37 IC 13-26; or

38 (2) at least fifty thousand dollars (\$50,000) in a political
39 subdivision or an agency not described in subdivision (1).

40 (b) The board must comply with the following procedure:

41 (1) The board shall prepare general plans and specifications
42 describing the kind of public work required, but shall avoid

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specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.

(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).

(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of ~~the first~~ publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.

(6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.

(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before.

(8) Except as provided in subsection (c), the board shall:

(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or

(B) reject all bids submitted.

(9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.

(10) In determining whether a bidder is responsive, the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that

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conforms in all material respects to the specifications.

(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:

(A) The ability and capacity of the bidder to perform the work.

(B) The integrity, character, and reputation of the bidder.

(C) The competence and experience of the bidder.

(12) The board shall require the bidder to submit an affidavit:

(A) that the bidder has not entered into a combination or agreement:

(i) relative to the price to be bid by a person;

(ii) to prevent a person from bidding; or

(iii) to induce a person to refrain from bidding; and

(B) that the bidder's bid is made without reference to any other bid.

(c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications.

SECTION 34. IC 36-1.5-4-12, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) If a petition is certified to the legislative body of a political subdivision under section 11 of this chapter, the legislative body shall conduct a public hearing on the proposed reorganization ~~not sooner than five (5)~~ **at least ten (10)** days after publishing a notice of the public hearing under IC 5-3-1. Not more than thirty (30) days after the conclusion of the public hearing the legislative body shall adopt a resolution, substantially in the form prescribed by the department of local government finance, to do any of the following:

(1) Decline to participate in the proposed reorganization.

(2) Propose a reorganization with the political subdivisions named in the petition.

(3) Propose a reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in the petition.

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(b) In the case of a resolution adopted under this section proposing a reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

SECTION 35. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. The legislative body of each of the reorganizing political subdivisions shall provide for the following:

(1) Consideration of a plan of reorganization presented by a reorganization committee in the form of a resolution incorporating the plan of reorganization in full or by reference.

(2) Reading of the resolution incorporating the plan of reorganization in at least two (2) separate meetings of the legislative body of the political subdivision.

(3) Conducting a public hearing on the plan of reorganization:

(A) ~~not sooner than five (5)~~ **at least ten (10)** days after notice of the public hearing is published under IC 5-3-1; and

(B) before the legislative body takes final action on the resolution to adopt the plan of reorganization.

SECTION 36. IC 36-2-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. At its second regular meeting each year, the executive shall make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include **the following**:

(1) The name of and total compensation paid to each county officer, deputy, and employee **as follows**:

(A) **The executive of a county having a consolidated city shall publish the salaries of only those officers, deputies, and employees receiving an annual salary of at least sixty thousand dollars (\$60,000).**

(B) **The executive of a county having a second class city shall publish the salaries of only those officers, deputies, and employees receiving an annual salary of at least sixty thousand dollars (\$60,000).**

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(C) The executive of a county having a third class city or town shall publish the salaries of only those officers, deputies, and employees receiving an annual salary of at least forty-five thousand dollars (\$45,000).

(2) The total payment made to each vendor in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year for each fund. However, the executive is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). The executive shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment exceeding two thousand five hundred dollars (\$2,500).

The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

SECTION 37. IC 36-2-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once ~~each week for two (2) consecutive weeks~~, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to IC 36-2-3.5 and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
- (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) In addition to the other requirements of this section, an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 is considered adopted only if it is:

- (1) approved by signature of a majority of the county executive;
- (2) neither approved nor vetoed by a majority of the executive, within ten (10) days after passage by the legislative body; or
- (3) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(d) After an ordinance or resolution passed by the legislative body

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of a county subject to IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

(1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

SECTION 38. IC 36-2-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) This section does not apply to claims for salaries fixed in a definite amount by ordinance or statute, per diem of jurors, and salaries of officers of a court.

(b) The county auditor shall publish all claims that have been filed for the consideration of the county executive and shall publish all allowances made by courts of the county. Claims filed for the consideration of the executive shall be published at least three (3) days before each session of the executive, and court allowances shall be published at least three (3) days before the issuance of warrants in payment of those allowances. In publication of itemized statements filed by assistant highway supervisors for consideration of the executive, the auditor shall publish the name of each party and the total amount due each party named in the itemized statements. Notice of claims filed for consideration of the county executive must state their amounts and to whom they are made. Claims and allowances subject to this section shall be published as prescribed by IC 5-3-1. ~~except that only one (1) publication in two (2) newspapers is required.~~

(c) A member of the county executive who considers or allows a

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claim, or a county auditor who issues warrants in payment of allowances made by the county executive or a court of the county, before compliance with subsection (b), commits a Class C infraction.

(d) A county auditor shall publish one (1) time in accordance with IC 5-3-1 a notice of all allowances made by a circuit or superior court. The notice must be published within ~~sixty (60)~~ **thirty (30)** days after the allowances are made and must state their amount, to whom they are made, and for what purpose they are made.

SECTION 39. IC 36-2-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Before performing any of his duties, a commissioner appointed under section 6(c) of this chapter shall give ~~twenty (20)~~ **at least ten (10)** days notice of:

(1) his appointment;
 (2) the time when he will begin to perform his duties; and
 (3) the place where he will begin to perform his duties;
 by publication under IC 5-3-1 and by posting written notices in each township of the county.

(b) The commissioner may:

(1) employ a clerk, who shall take an oath of office before performing any of his duties;
 (2) administer oaths when testimony is required to be taken before him;
 (3) issue subpoenas for and compel the attendance of witnesses;
 (4) cite persons for and issue execution for contempt;
 (5) tax costs; and
 (6) adjourn his proceedings from time to time, but after an adjournment without a day specified for reconvening, he may not resume his duties without an order of the county executive authorizing him to do so.

(c) A sheriff who delivers the commissioner's writs and subpoenas and witnesses who testify before the commissioner are entitled to the same fees as are allowed for the same service or attendance in the circuit court. This compensation shall be taxed against the party bearing costs.

(d) The commissioner shall obtain record books in which the proceedings held before him shall be fully recorded. Proceedings concerning the different courts and different offices of the county shall be recorded in separate books.

(e) The commissioner or his clerk may not record proof of the existence and contents of the following records and documents of a clerk of a court of record:

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- (1) Judgments and decrees.
- (2) Writs of execution and returns of writs of execution.
- (3) Recognizances and forfeitures of bonds.

The commissioner or his clerk shall record proof of the existence and content of any other record or document that belonged to or was filed or deposited in the office of a clerk of a court of record and has been destroyed, if that proof is presented to the commissioner by a disinterested witness. However, the commissioner may receive proof of the contents of a will only if the evidence leads him to believe that neither the original will nor an authenticated copy can be produced.

(f) The commissioner shall record the complete statement of each witness who testifies before him. The commissioner may not include his own conclusions in the record.

(g) The commissioner shall sign the record of each day's testimony that he hears, and shall certify each completed volume of the record to be a complete and accurate copy of the testimony taken before him. The commissioner shall deliver each completed volume of the record to the appropriate county office.

SECTION 40. IC 36-6-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures **that contains a statement of the following:**

- (1) ~~showing~~ The sum of money in each fund of the township at the beginning of the year.
- (2) ~~showing~~ The sum of money received in each fund of the township during the year.
- (3) ~~showing~~ The sum of money paid from each fund of the township during the year.
- (4) ~~showing~~ The sum of money remaining in each fund of the township at the end of the year.
- (5) ~~containing a statement of~~ **The receipts showing their source; and the source of the receipts.**
- (6) ~~containing a statement of~~ **Except as provided in subdivision (7), the** expenditures, showing the combined gross payment according to classification of expense, to each person.
- (7) **The total payment made to each vendor that exceeded two thousand five hundred dollars (\$2,500) during the prior calendar year for each fund of the township. However, the executive is not required to include more than two hundred (200) vendors whose total payment to each vendor exceeded**

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1 **two thousand five hundred dollars (\$2,500). The executive**
 2 **shall list the vendors in descending order from the vendor**
 3 **with the highest total payment to the vendor with the lowest**
 4 **total payment exceeding two thousand five hundred dollars**
 5 **(\$2,500).**

6 (b) Within ~~four (4) weeks~~ **thirty (30) days** after the third Tuesday
 7 following the first Monday in January, the executive shall publish the
 8 abstract prescribed by subsection (a) in accordance with IC 5-3-1. The
 9 abstract must state that a complete and detailed annual report and the
 10 accompanying vouchers showing the names of persons paid money by
 11 the township have been filed with the county auditor, and that the
 12 chairman of the township legislative body has a copy of the report that
 13 is available for inspection by any taxpayer of the township.

14 (c) An executive who fails to comply with this section commits a
 15 Class C infraction.

16 SECTION 41. IC 36-7-15.5-8 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Before deciding
 18 whether to adopt a resolution establishing an improvement and
 19 maintenance district, the commission shall hold a public hearing.
 20 Notice of the public hearing shall be given by publication **at least ten**
 21 **(10) days before the hearing** in accordance with IC 5-3-1 and by
 22 certified mail at least twenty (20) days before the public hearing to all
 23 property owners in the proposed district.

24 (b) Notices that are mailed to the owners must be addressed as the
 25 names and addresses appear on the tax duplicates in the records of the
 26 county auditor.

27 (c) The published and mailed notice must contain the following
 28 information:

29 (1) A description of the geographic area to be considered for
 30 inclusion in the district.

31 (2) The general nature of the improvement and maintenance
 32 project that would occur within or in support of the district and
 33 the estimated annual cost of the project for the first five (5) years.

34 (3) Any limitation on the amount of the assessment that would be
 35 levied in order to defray part or all of the costs of the
 36 improvement and maintenance project.

37 (4) The estimated annual assessment levy needed to defray the
 38 costs of part or all of the improvement and maintenance project
 39 for the first five (5) years.

40 (5) The formula proposed to be used for the assessment of special
 41 benefits and damages.

42 (6) The time and place of the hearing during which establishment

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of the district will be considered and at which owners of real property, or their representatives, may be heard upon the question of the establishment of the district.

(7) The fact that if the district is established, owners of real property in the district will be subject to an assessment of special benefits and damages to defray part or all of the costs of the improvement and maintenance project.

SECTION 42. IC 36-7-15.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) At the public hearing under section 8 of this chapter, the commission shall hear all owners in the proposed district (who appear and request to be heard) upon the questions of:

- (1) the sufficiency of the notice;
- (2) whether the proposed improvement and maintenance project is of public utility and benefit;
- (3) whether all of the probable benefits of the proposed improvement and maintenance project will be equal to or exceed the estimated cost of the project or any limitation on the amount of the levy, whichever is less;
- (4) whether the formula to be used for the assessment of special benefits and damages is appropriate; and
- (5) whether the district contains all, or more or less than all, of the property specially benefited or damaged by the proposed project.

(b) After the public hearing (which may be adjourned from time to time without further notice), the commission shall make a determination on the following questions:

- (1) Whether the required notice was given.
- (2) Whether the proposed improvement and maintenance project is of public utility and benefit.
- (3) Whether all of the probable benefits of the proposed project will equal or exceed the estimated cost of the project or any limitation on the amount of the assessment levy, whichever is less.
- (4) Whether the formula to be used for the assessment of special benefits and damages is appropriate.
- (5) Whether the proposed improvement and maintenance district contains all, or more, or less than all, of the real property specially benefited or damaged by the proposed project.

(c) If the commission resolves affirmatively on questions (1) through (4) in subsection (b) and determines that the proposed district contains all of the real property specially benefited or damaged, and does not contain real property not specially benefited or damaged, then

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1 it shall adopt the resolution establishing the district with the boundaries
2 described in the resolution.

3 (d) If the commission resolves negatively on question (1), (2), (3),
4 or (4) in subsection (b), it may amend the resolution, issue additional
5 notice, and hold further proceedings as it considers proper, or the
6 commission may reject the resolution.

7 (e) If the commission resolves affirmatively on questions (1)
8 through (4) in subsection (b) and determines that real property not
9 specially benefited or damaged has been included within the proposed
10 boundaries, then it shall redefine the boundaries of the proposed
11 district and include only the real property that is specially benefited or
12 damaged, and shall establish the district with the boundaries as
13 redefined.

14 (f) If the commission resolves affirmatively on questions (1) through
15 (4) in subsection (b) and determines that either:

16 (1) all of the real property specially benefited or damaged has not
17 been included within the proposed boundaries; or

18 (2) all of the real property specially benefited or damaged has not
19 been included within the proposed boundaries, and some real
20 property has been included which is not specially benefited or
21 damaged;

22 then it shall fix a date for an additional hearing. Notice of the additional
23 hearing shall be given by publication **at least ten (10) days before the**
24 **hearing** in accordance with IC 5-3-1 and by certified mail at least
25 twenty (20) days before the hearing to the owners in an area proposed
26 to be added to the district that was not included in the initial petition.
27 The notice must describe the proposed revised boundaries. At the
28 additional hearing, all owners of real property or their representatives
29 within the proposed district boundaries, as revised, may be heard, after
30 which the commission shall adopt its resolution on establishment of the
31 improvement and maintenance district.

32 (g) Adoption of a resolution under this section constitutes notice to
33 all owners who have appeared, or who have been notified of the
34 proceedings, as provided in this section, that their property will be
35 subject to an assessment of special benefits and damages as provided
36 in this chapter.

37 SECTION 43. IC 36-9-9-5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) When the
39 declaratory resolution, as originally adopted or as modified, has been
40 confirmed, the municipal works board shall notify and negotiate with
41 any utility that operates and supplies electrical current within the
42 municipality. The works board shall attempt to enter into a contract

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1 with the utility for the lighting described in the plans and
 2 specifications, and may cause the municipality to enter into such a
 3 contract, in strict accordance with the plans, drawings and
 4 specifications on file.

5 (b) If more than one (1) utility supplies electricity in the
 6 municipality and has the right to serve the electric system petitioned
 7 for, the municipal works board shall publish a notice in accordance
 8 with IC 5-3-1. The notice must state the nature of the work, state that
 9 drawings, plans, and specifications are on file in the office of the works
 10 board or the municipal clerk, call for sealed bids for the lighting and
 11 the maintenance of the system, and state that the bids must be filed not
 12 less than ten (10) days after ~~the last~~ publication of notice and must
 13 comply with the manner and form in which bids for public
 14 improvements are filed in municipalities. If a satisfactory bid is
 15 received by the time fixed in the notice, the works board shall attempt
 16 to enter into a contract with the utility that is the lowest responsible
 17 bidder for the furnishing of that lighting.

18 (c) If the municipality owns and operates an electric utility and no
 19 other electric utility is authorized to render the service petitioned for,
 20 then the electrical lighting system petitioned for may be installed,
 21 maintained, and operated by the municipality. An electrical system
 22 established under this section shall be maintained, operated, and paid
 23 for in the same manner as an electrical system that is established under
 24 this chapter by a public utility.

25 (d) The annual cost of lighting as fixed by the contract may not
 26 exceed the estimated cost of lighting on file with the plans and
 27 specifications. The contract must require lighting service for a period
 28 of not less than five (5) years and not more than fifteen (15) years, and
 29 must describe in detail the service to be rendered and the prices to be
 30 paid to the utility.

31 (e) If the municipality is unable to make an agreement with a utility,
 32 the municipality may file its petition with the utility regulatory
 33 commission. The commission shall conduct a hearing on the petition,
 34 in accordance with law and the rules of the commission. The
 35 commission may then require a utility supplying electrical current
 36 within the municipality to enter into a contract to construct the electric
 37 system of lighting in accordance with the plans and specifications on
 38 file with the municipality, and to maintain and operate the system at the
 39 prices, on the terms, for the period of time, and upon the conditions that
 40 the commission requires. Such an order of the commission is binding
 41 upon the municipality and utility:

42 (1) in the same manner as other orders of the commission; and

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(2) as if a contract had been entered into between the municipality and the utility covering the same subject matter; subject to all rights of appeal from the commission.

(f) After a contract has been entered into between the municipality and utility and has been approved by the utility regulatory commission, or if the construction, maintenance, and operation of the lighting system has been ordered by the commission, the utility which is a party to the contract or order shall, within a reasonable time, construct the system at its own expense. The utility shall maintain and operate the system in strict accordance with the agreement and order, and at the annual rates, tolls, or charges fixed by contract or by the order of the commission. The commission may investigate the rates, tolls, and charges in the same manner and to the same extent that it may investigate and revise the rates, tolls, and charges for electric current supplied by a public utility under IC 8-1-2.

SECTION 44. IC 36-9-24-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) When a municipality and a lessor agree on the terms and conditions of a lease proposed to be entered into under this chapter, notice of a hearing to be held before the municipal legislative body shall be given to all interested persons by publication in accordance with IC 5-3-1 **at least ten (10) days before the date of the hearing.** The notice must name the date, place, and hour of the hearing, and set forth a summary of the principal terms of the lease agreed upon, including the name of the lessor, the character of the property to be leased, the lease rental to be paid, and the number of years the lease is to be in effect.

~~(b) The date of the hearing may not be less than twenty (20) days after publication of the notice.~~

~~(c)~~ (b) The proposed lease shall be kept available for inspection by the public before and at the hearing.

~~(d)~~ (c) At the hearing, all interested persons are entitled to be heard as to the necessity for the execution of the lease and whether the rental to be paid to the proposed lessor under the lease is a fair and reasonable rental for the facilities. The hearing may be adjourned to a later date or dates.

~~(e)~~ (d) After the hearing, the municipal legislative body may authorize the execution of the lease as originally agreed on, or may, with the consent of the proposed lessor, modify the lease. However, the lease rental as set out in the published notice may not be increased without a new notice and hearing.

SECTION 45. IC 36-9-27-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 58. (a) ~~Within seven~~

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(7) ~~days after~~ The attorney for the petitioner ~~who~~ is served with notice of a hearing under section 57(e) of this chapter ~~he~~ shall prepare a written notice setting forth:

- (1) the fact of the filing and pendency of the petition;
- (2) the name and identifying number by which the petition is known;
- (3) the general route of the proposed drain; and
- (4) the date, hour, and place of the hearing before the board.

(b) The attorney for the petitioner shall, within ~~the seven (7) day period,~~ **days of receiving notice of a hearing under section 57(e) of this chapter,** mail a copy of the notice in a five (5) day return envelope to each owner named in the petition.

(c) The attorney for the petitioner shall have a copy of the notice published in accordance with IC 5-3-1 **at least ten (10) days before the date of the hearing.** The published notice shall be directed to whom it may concern and to the addressee on each letter that was mailed under subsection (b) and was returned undelivered.

(d) On or before the day of the hearing, the attorney for the petitioner shall file with the board affidavits showing the mailing of the notices under subsection (b) and the publication of notice under subsection (c). The mailing and publication of the notice under this section constitute public notice to all owners of the pendency of the petition, whether or not they were individually named and notified, and are sufficient to give the board jurisdiction over those owners.

SECTION 46. IC 36-9-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The waste disposal district constitutes a special taxing district for the purpose of levying a special benefit tax for the purpose of providing the disposal of waste and the recovery of byproducts from waste.

(b) Whenever, upon investigation, the board determines that a facility or facilities for waste disposal is necessary for the public health and welfare, and that the construction, modification, or acquisition of the facility or facilities will be of public utility and benefit, the board may, upon approval of the city-county legislative body, issue waste disposal district bonds under this section for the payment of the cost of the facility.

(c) Before authorizing the waste disposal district bonds the board may either accept public bids for the facility or adopt a resolution approving a request for proposals all as provided in section 4 of this chapter.

(d) When plans and specifications have been prepared according to the public bidding requirements of IC 36-1-12, or a resolution adopted

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1 by the board approving a request for proposals, the board shall adopt
 2 a resolution declaring that, upon investigation, it has been found that
 3 it is necessary for the public health and welfare and will be of public
 4 utility and benefit to construct, modify, or acquire (and maintain where
 5 constructed) the facility or facilities and to acquire the property
 6 described for that purpose. The resolution shall be kept open to
 7 inspection by all persons interested in or affected by the acquisition of
 8 the property or the construction of the facility. Upon adoption of the
 9 resolution, the board shall give public notice of the adoption and its
 10 purpose, which notice must name a date not less than ten (10) days
 11 after the date of ~~the last~~ publication on which the board will receive or
 12 hear remonstrances from persons interested in or affected by the
 13 facility or facilities and will determine their public utility and benefit.

14 (e) At the time fixed for the hearing, or at any time before that, any
 15 person owning real or personal property within the waste disposal
 16 district may file a written remonstrance with the board. At the hearing,
 17 which may be adjourned from time to time, the board shall hear all
 18 persons interested in the proceedings and all remonstrances filed. After
 19 considering the remonstrances, the board shall take final action
 20 determining the public utility and benefit of the proposed proceedings
 21 and confirm, modify and confirm, or rescind the resolution, which final
 22 action shall be duly recorded. This action is final and conclusive upon
 23 all persons, except that any person who has remonstrated in writing and
 24 who is aggrieved by the decision of the board may take an appeal as
 25 provided in subsection (f).

26 (f) Any person who has filed a written remonstrance with the board
 27 as provided in subsection (e), in case the board takes final action
 28 confirming the resolution in its original or any modified form, is
 29 entitled to appeal to the superior court of the county. Within ten (10)
 30 days after the final action of the board, the remonstrator must file in the
 31 office of the clerk of the court a copy of the resolution of the board and
 32 his remonstrance, together with a surety bond conditioned to pay the
 33 costs of the appeal should the appeal be determined against him. The
 34 only ground of remonstrance of which the court has jurisdiction on
 35 appeal is the question of whether it will be of public utility and benefit
 36 to construct, modify, or acquire the proposed facility, and the burden
 37 of proof is upon the remonstrator. The cause shall be summarily tried
 38 by the court without a jury. All remonstrances upon which an appeal
 39 are taken shall be consolidated and heard as one (1) cause of action by
 40 the court, and the cause shall be heard and determined by the court
 41 within thirty (30) days after the time of filing the appeal. Upon the date
 42 fixed for hearing, the court shall hear evidence upon the remonstrances

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1 and shall confirm the final action of the board on the resolution or
2 sustain the remonstrance.

3 (g) Upon final action of the board or court, confirming the
4 resolution in its original or any modified form all real or personal
5 property located within the waste disposal district is subject to a special
6 tax for the purpose of providing money to pay all or a part of the total
7 cost of the acquisition, modification, or construction of the facility,
8 which special tax is declared to constitute the amount of benefits
9 resulting to all of the property in the district.

10 (h) For the purpose of raising money to pay the cost of the facility,
11 and in anticipation of the special tax to be levied, the board shall, upon
12 the approval of the legislative body, cause to be issued waste disposal
13 district bonds in the name of the consolidated city in accordance with
14 IC 36-3-5-8.

15 (i) On adopting a resolution ordering the issuance of waste disposal
16 district bonds, the board, with legislative body approval, shall then
17 certify a copy of the resolution and a copy of the approval to the fiscal
18 officer of the consolidated city, who shall then prepare the bonds.

19 (j) The waste disposal district bonds are not, in any respect, a
20 corporate obligation or indebtedness of the consolidated city, but
21 constitute an indebtedness of the waste disposal district. The waste
22 disposal district bonds, and interest on them, issued under this section
23 are payable out of a special tax levied upon all of the property of the
24 waste disposal district and any other revenues made available for that
25 purpose under this chapter. The waste disposal district bonds must so
26 recite these terms upon their face, together with the purpose for which
27 they are issued.

28 (k) All proceeds from the sale of waste disposal district bonds shall
29 be kept as a separate and specific fund, to pay the cost of the facility,
30 and no part of the proceeds may be used for any other purpose. Any
31 surplus remaining out of the proceeds of the waste disposal district
32 bonds, after all of the cost is fully paid, shall be paid into and becomes
33 a part of the waste disposal district bond fund; however, money derived
34 from sources other than the waste disposal district bond proceeds, such
35 as state or federal grants or other contributions, are not so restricted as
36 to application regardless of whether the contribution arises for a project
37 financed from waste disposal district bond proceeds.

38 (l) For the purpose of raising money to pay the waste disposal
39 district bonds issued under this section, the city-county legislative body
40 shall levy each year a special tax upon all the property of the waste
41 disposal district in such amount and manner as to meet and pay the
42 principal of the waste disposal district bonds as they severally mature,

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1 together with all accruing interest on them. The tax so levied each year
 2 shall be certified to the fiscal officers of the consolidated city and the
 3 county. The tax so levied and certified shall be estimated and entered
 4 upon the tax duplicate by the county auditor and shall be collected and
 5 enforced by the county treasurer in the same manner as county taxes
 6 are estimated, entered, collected and enforced. As the tax is collected
 7 by the county treasurer, it shall be accumulated and kept in a separate
 8 fund to be known as the waste disposal district bond fund, and shall be
 9 applied to the payment of the principal of and interest on the waste
 10 disposal district bonds as they become due and to no other purpose. In
 11 fixing the amount of the necessary levy the legislative body shall
 12 consider the amount of net revenues, if any, to be derived from the
 13 collection of fees under section 8 of this chapter or any other net
 14 revenues collected under this chapter above the amount of revenues
 15 necessary to be applied upon or reserved by or for the city for the
 16 operation, maintenance, and administrative expenses of the facilities.
 17 The board shall annually, in lieu of making the levy or to reduce the
 18 amount of the levy, set aside by resolution the amount of the net
 19 revenues to be collected before maturity of the principal and interest of
 20 the waste disposal district bonds payable in the following calendar
 21 year. If the board adopts this resolution, then it is unlawful for the
 22 board to use any part of the amount so set aside out of the net revenues
 23 for any purpose other than the payment of waste disposal district bonds
 24 and the interest on them. A proportionate payment of this amount shall
 25 be made to the waste disposal district bond fund monthly.

26 (m) The board may not issue waste disposal district bonds under this
 27 section, payable by special taxation for that purpose in a total amount,
 28 including outstanding bonds already issued, in an amount exceeding six
 29 percent (6%) of the total adjusted value of taxable property in the
 30 district as determined under IC 36-1-15. All waste disposal district
 31 bonds issued in violation of this subsection are void.

32 SECTION 47. IC 36-9-41-7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Upon receiving
 34 a petition under section 6 of this chapter, the county auditor shall
 35 immediately certify a copy of the petition, together with other data
 36 necessary to present the questions involved, to the department of local
 37 government finance. Upon receipt of the certified petition and other
 38 data, the department of local government finance shall fix a time and
 39 place for a hearing on the matter.

40 (b) The hearing shall be held not less than ~~five (5)~~ **ten (10)** and not
 41 more than thirty (30) days after the department's receipt of the certified
 42 petition, and shall be held in the county where the petition arose.

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(c) The department of local government finance shall give notice of the hearing by letter to the political subdivision and to the first ten (10) taxpayer petitioners listed on the petition. A copy of the letter shall be sent to each of the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing. In addition, public notice shall be published at least ~~five (5)~~ **ten (10)** days before the date of the hearing under IC 5-3-1.

(d) After the hearing under subsection (c), the department of local government shall issue a final determination concerning the petition.

SECTION 48. IC 36-10-4-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) After completion of the list, the board shall proceed to determine and award:

(1) the amount of damages sustained by the owners of the parcels of land required to be appropriated, if any, as provided in the resolution or that will be injuriously affected; and

(2) the amount of particular benefits that will accrue to the lots or parcels of land, exclusive of improvements, lying within two thousand (2,000) feet on either side of the property to be acquired, of the improvement, or of both because of proximity to the land to be acquired and the establishment or construction of a project for park purposes as provided in the resolution and in addition to the benefits received by the lots or parcels of land in common with all property located in the city.

However, the total amount of benefits assessed against the lots and parcels of land, exclusive of improvements, located within two thousand (2,000) feet may not exceed twenty-five percent (25%) of the total cost of land acquisition or of the improvement.

(b) When the list has been completed, the board shall have published in accordance with IC 5-3-1 a notice describing the location of the land appropriated or acquired by the purchase or the land on which the improvement is to be made. The notice must also state:

(1) the general character of the improvement;

(2) what assessments have been made against land within two thousand (2,000) feet of park property; and

(3) that the assessment list, with the names of the owners to whom damages have been awarded and against whom assessments have been made, a description of property affected, and the amounts of preliminary awards or assessments for each parcel of property affected is on file and can be seen in the board's office.

(c) In addition, the board shall have a written notice served upon the owner of each parcel of land taken or injuriously affected, by leaving a copy at his last and usual place of residence in the city or by

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1 delivering a copy to the owner personally. The notice must show
 2 separately each item of the determination regarding property owned by
 3 him.

4 (d) The board shall also have mailed a notice to the residence, if
 5 known, of persons owning land or parts of land against which special
 6 assessments have been made, showing each item of the determination
 7 as it affects those persons. If a person is a nonresident or his residence
 8 is not known, then he is considered to have been notified by the
 9 publication. The notice must name a day, not earlier than ten (10) days
 10 after service of the notice, the ~~last~~ day of publication, or the date of
 11 mailing, on which the board will receive and hear remonstrances from
 12 persons regarding the amount of their respective awards or
 13 assessments. Persons not included in the lists, assessments, or awards
 14 who claim to be entitled to an assessment or award are considered to
 15 have been notified of the pendency of the proceedings by the original
 16 notice of the resolution of the board and by the publication as provided
 17 in this section.

18 SECTION 49. IC 36-12-5-3, AS ADDED BY P.L.1-2005,
 19 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2007]: Sec. 3. (a) When the library board presents the
 21 township trustee and legislative body with a proposal of expansion and
 22 an intent to file a petition for acceptance of the proposal of expansion,
 23 not later than ~~ten (10)~~ **thirty (30)** days after the filing, the township
 24 trustee shall publish notice of the proposal of expansion in the manner
 25 provided in IC 5-3-1 in a newspaper of general circulation in the
 26 township. Beginning the first day after the notice is published, and
 27 during the period that ends sixty (60) days after the date of the
 28 publication of the notice, an individual who is a registered voter of the
 29 township or part of the township may sign one (1) or both of the
 30 following:

31 (1) A petition for acceptance of the proposal of expansion that
 32 states that the registered voter is in favor of the establishment of
 33 an expanded library district.

34 (2) A remonstrance in opposition to the proposal of expansion
 35 that states that the registered voter is opposed to the establishment
 36 of an expanded library district.

37 (b) A registered voter of the township or part of the township may
 38 file a petition or a remonstrance, if any, with the clerk of the circuit
 39 court in the county where the township is located. A petition for
 40 acceptance of the proposal of expansion must be signed by at least
 41 twenty percent (20%) of the registered voters of the township, or part
 42 of the township, as determined by the most recent general election.

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(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county in which the township is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Certify the number of signatures on the petition and on any remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and

(B).

(d) The clerk of the circuit court shall complete the certification

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1 required under subsection (c) not more than fifteen (15) days after the
 2 petition or remonstrance is filed. The clerk shall:

- 3 (1) establish a record of certification in the clerk's office; and
- 4 (2) file the original petition, the original remonstrance, if any, and
- 5 a copy of the clerk's certification with the legislative body.

6 SECTION 50. IC 36-12-5-6, AS ADDED BY P.L.1-2005,
 7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2007]: Sec. 6. (a) Whenever a library board presents the
 9 legislative body of a county with a proposal of expansion and an intent
 10 to file a petition for acceptance of the proposal of expansion, not later
 11 than ~~ten (10)~~ **thirty (30)** days after the intent is filed, the county auditor
 12 shall publish notice in the manner provided in IC 5-3-1 of the proposal
 13 of expansion in a newspaper of general circulation in the county.
 14 Beginning the first day after the notice is published, and during the
 15 period that ends sixty (60) days after the date of the publication of the
 16 notice, an individual who is a registered voter of an affected township
 17 or an affected part of the township may sign one (1) or both of the
 18 following:

- 19 (1) A petition for acceptance of the proposal of expansion.
- 20 (2) A remonstrance petition in opposition to the proposal of
- 21 expansion.

22 (b) Registered voters shall file a petition or a remonstrance, if any,
 23 with the clerk of the circuit court in the county where the townships are
 24 located. A petition for acceptance of the proposal of expansion must be
 25 signed by at least twenty percent (20%) of the registered voters of the
 26 townships or parts of townships, as determined by the most recent
 27 general election.

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